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Interim Co-Lead Consumer Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, *et al.*,

Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

This Document Relates To: All Consumer
Actions

Consolidated Case No. 3:20-cv-08570-JD

**DECLARATION OF SHANA E.
SCARLETT IN SUPPORT OF
CONSUMER PLAINTIFFS' RENEWED
MOTION FOR CLASS
CERTIFICATION AND APPOINTMENT
OF CLASS COUNSEL**

Hon. James Donato

1 I, Shana E. Scarlett, declare under penalty of perjury as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California. I am a partner with the law firm Hagens Berman Sobol Shapiro LLP (“Hagens
4 Berman”), one of the attorneys of record for Consumer Plaintiffs in the above-titled action. I submit
5 this declaration in support of Consumer Plaintiffs’ renewed motion for class certification.

6 2. I have personal knowledge of the matters stated herein and, if called upon, I could
7 and would competently testify thereto.

8 3. As interim class counsel, both Mr. Teruya and I have been in contact with the three
9 named plaintiffs over the pendency of this action. Each of the named plaintiffs (Maximilian Klein,
10 Sarah Grabert, and Rachel Banks Kupcho), has maintained and used a Facebook account during
11 the class period. Each class representative has testified that they believe that because of Facebook’s
12 conduct, that have paid supracompetitive prices to use Facebook. Each class representative has
13 testified that their claims are typical of the proposed class because they assert the same claims,
14 against the same defendant (Facebook), regarding the same data collection and use practices, which
15 have resulted in the same injury. Each of the three class representatives has testified that they are
16 unaware of any facts that would limit their ability to adequately represent the interests of the class.
17 No class representative has been promised any compensation for bringing this case and serving as
18 a class representative.

19 4. Each of the three class representatives has participated extensively in this litigation.
20 They have been in active contact with class counsel, they have reviewed pleadings before they were
21 filed and have responded to numerous written discovery requests from Facebook, including
22 multiple sets of document requests, interrogatories and requests for admission. Each class
23 representative has been deposed by Facebook. The class representatives remain committed to do
24 what is necessary to protect the interests of members of the Consumer Class.

25 5. Attached hereto are true and correct copies of the following Exhibits:
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Ex.	Description	Conf. Desig.
1	Excerpts from article entitled “Here’s the transcript of Recode’s interview with Facebook CEO Mark Zuckerberg about the Cambridge Analytica controversy and more,” Vox (Mar. 22, 2018), marked as Ex. 2253 at the Deposition of Mark Zuckerberg in the above-entitled action on May 16, 2023	None
2	Excerpts from document Bates-stamped PALM-013417695-98, marked as Ex. 0041 at the Deposition of John Fernandes in the above-entitled action on Feb. 7, 2023	Conf.
3	Excerpts from document Bates-stamped PALM-011140935-959	Highly Confidential
4	Document Bates-stamped PALM-FTC-00024133	Highly Confidential
5	Excerpts from the Deposition Transcript of Dr. Catherine Tucker, taken in the above-entitled action on Sept. 7, 2023	Highly Confidential
6	Excerpts from document Bates-stamped PALM-DEP-00009768-9880, marked as Ex. 1912 at the Deposition of Sheryl Sandberg in the above-entitled action on May 2, 2023	Highly Confidential
7	Excerpt from document Bates-stamped PALM-012965558-568	Confidential
8	Excerpt from document Bates-stamped PALM-013008413-433	Confidential
9	Excerpt from document Bates-stamped PALM-014362572-590, marked as Ex. 2652 at the Deposition of David Baser in the above-entitled action on June 14, 2023	Confidential
10	Excerpt from document Bates-stamped PALM-009278820-23, marked as Ex. 0037 at the Deposition of John Fernandes in the above-entitled action on Feb. 7, 2023	Highly Confidential
11	Excerpts from the Deposition Transcript of Sheryl Sandberg, taken in the above-entitled action on May 2, 2023	Highly Confidential
12	Excerpts from the Deposition Transcript of David Wehner, taken in the above-entitled action on Mar. 20, 2023	Highly Confidential
13	Excerpts from document Bates-stamped PALM-004235531-32, marked as Ex. 0042 at the Deposition of John Fernandes in the above-entitled action on Feb. 7, 2023	Highly Confidential
14	Excerpts from document Bates-stamped PALM-017069195-9221	Confidential
15	Excerpts from the Deposition Transcript of Tom Cunningham, Ph.D., taken in the above-entitled action on June 21, 2023	Highly Confidential

Ex.	Description	Conf. Desig.
16	Excerpts from document Bates-stamped PALM-016517685-694, marked as Ex. 0396 at the Deposition of Javier Olivan in the above-entitled action on Mar. 24, 2023	Highly Confidential
17	Excerpts from the Deposition Transcript of Javier Olivan, taken in the above-entitled action on Mar. 24, 2023	Confidential
18	Chart of Facebook's Deceptive Statements and Omissions	Highly Confidential
19	Excerpts from document Bates-stamped CONSUMER-FB-0000001261-65, marked as Ex. 2874 at the Deposition of Michel Protti in the above-entitled action on June 23, 2023	None
20	Document Bates-stamped PALM-008231320-21	Highly Confidential
21	Excerpt from document Bates-stamped CONSUMER-FB-0000001857-864	None
22	Excerpts from document Bates-stamped PALM-013003886-897, marked as Ex. 1096 at the Deposition of Dan Levy in the above-entitled action on Apr. 20, 2023	Highly Confidential
23	Excerpt from document Bates-stamped PALM-012846445-452, marked as Ex. 2927 at the Deposition of Gregg Stefancik in the above-entitled action on June 23, 2023	Confidential
24	Excerpts from the document Bates-stamped PALM-017036460-490, marked as Ex. 2932 at the Deposition of Gregg Stefancik in the above-entitled action on June 23, 2023	Confidential
25	Excerpts from the Deposition Transcript of Gregg Stefancik, taken in the above-entitled action on June 23, 2023	Highly Confidential
26	Excerpts from document Bates-stamped PALM-017042708-754, marked as Ex. 2930 at the Deposition of Gregg Stefancik in the above-entitled action on June 23, 2023	Confidential
27	Excerpts from the Deposition Transcript of Brian Acton, taken in the above-entitled action on Apr. 12, 2023	Highly Confidential
28	Excerpts from document Bates-stamped PALM-008451978-994	Highly Confidential
29	Excerpts from the Deposition Transcript of Ben Savage, taken in the above-entitled action on June 11, 2023	Highly Confidential

Ex.	Description	Conf. Desig.
30	Excerpt from document Bates-stamped PALM-016881862-64, marked as Ex. 2415 at the Deposition of Erin Egan, taken in the above-entitled action on June 9, 2023	Highly Confidential
31	Document Bates-stamped PALM-010644865	Highly Confidential
32	Excerpts from the Deposition Transcript of Brad Smallwood, taken in the above-entitled action on May 19, 2023	Highly Confidential
33	Excerpts from the Deposition Transcript of Mark Weinstein, taken in the above-entitled action on Apr. 28, 2023	Highly Confidential
34	Excerpts from the Deposition Transcript of David Levenson, taken in the above-entitled action on May 10, 2023	Highly Confidential
35	Excerpts from document Bates-stamped PALM-003182426-430	Highly Confidential
36	Excerpt from article entitled " <i>Well, These New Zuckerberg IMs Won't Help Facebook's Privacy Problems,</i> " Business Insider (May 13, 2010)	None
37	Excerpt from document Bates-stamped PALM-006006351-52, marked as Ex. 2250 at the Deposition of Mark Zuckerberg in the above-entitled action on May 16, 2023	Highly Confidential
38	Excerpts from document Bates-stamped PALM-016440640-651	Highly Confidential
39	Excerpts from document Bates-stamped MS-LIT_0000027675	Highly Confidential
40	Excerpts from the Deposition Transcript of Sagee Ben-Zedeck, taken in the above-entitled action on July 27, 2023	Highly Confidential

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 24th day of May 2024 at Berkeley, California.

By /s/ Shana E. Scarlett
SHANA E. SCARLETT